

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

IN RE TERRORIST ATTACKS
SEPTEMBER 11, 2001

This document relates to:

Ashton, et al

Plaintiffs

v.

Al Qaeda Islamic, *et al.*

Defendants

Case No. 1:02-cv-06977-RCC

**DEFENDANT WAEL JELAIDEN'S ANSWER TO PLAINTIFF'S SIXTH
AMENDED CONSOLIDATED MASTER COMPLAINT**

Defendant WAEL JELAIDEN ("WJ"), through undersigned counsel, hereby submits his Answer to Plaintiffs' Sixth Amended Consolidated Master Complaint ("Complaint.")

PARTIES

1. WJ does not possess sufficient information to admit or deny the allegations in paragraph 1.

JURISDICTION AND VENUE

2. WJ denies that this court has jurisdiction over him.
3. WJ denies that venue is proper in this district.
4. WJ does not possess sufficient information to admit or deny the allegations contained in paragraph 4.

DEFENDANTS

5. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 5-22.

THE BIRTH OF AL QAEDA

6. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 23-35.

THE SUDAN

7. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 36 - 74.

The Agencies and Instrumentalities of the Republic of Sudan

8. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 75 - 95.

IRAQ

9. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 96 - 109.

THE 1993 WTC BOMBING

10. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 110 - 118.

SOMALIA

11. WJ does not possess sufficient information to admit or deny the allegations in paragraph 119.

AL QAEDA during 1994-1996

12. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 120 - 122.

RETURN TO AFGHANISTAN

13. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 123 - 124.

U.S. EMBASSY BOMBINGS

14. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 125 - 131.

THE 1998 AIR STRIKES ON AL QAEDA

15. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 132 - 136.

MILLIENIUM PLOT

16. WJ does not possess sufficient information to admit or deny the allegations in paragraph 137.

ATTACKS ON U.S.S. COLE

17. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 138 - 141.

PREPARATION FOR SEPTEMBER 11TH ATTACKS

18. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 142 - 147.

SEPTEMBER 11TH ATTACKS

19. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 148 - 153.

POST SEPTEMBER 11TH

20. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 154 - 158.

HAMBURG AL QAEDA CELL

21. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 159 - 186.

SAUDI ARABIAN DEFENDANTS

22. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 187 - 217.

THE MUSLIM WORLD LEAGUE

23. WJ admits to the facts alleged in paragraph 218 to the extent that the Muslim World League was founded in 1962. WJ does not possess sufficient information to admit or deny the rest of the allegations in paragraph 218.
24. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 219 - 222.
25. WJ affirms in part and denies in part the contents of paragraph 223. WJ admits he headed Rabita Trust and the Muslim World League, however, he denies he or the Charities he headed aided and abetted terrorists. WJ further admits he was designated an SDGT by the US Department of Treasury and that his assets have been frozen, although he denies the basis for his designation. WJ does not

possess sufficient information to admit or deny any other allegation presented in paragraph 223.

26. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 224 - 226.

INTERNATIONAL ISLAMIC RELIEF ORGANIZATION (IIRO)

27. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 227 - 250.

THE SAAR FOUNDATION

28. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 251 - 269.

GLOBAL RELIEF FOUNDATION

29. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 270 - 283.

TAIBAH INTERNATIONAL AID ASSOCIATION

30. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 284 - 294.

BENEVOLENCE INTERNATIONAL FOUNDATION, INC. AND BATTERJEE

31. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 295 - 328.

THE SAUDI HIGH COMMISSION

32. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 329 - 339.

MUWAFFAQ-BLESSED RELIEF; AL QADI AND BIN MAHFOUZ

33. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 340 - 345.

AL-HARAMAIN

34. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 346 – 362
35. WJ affirms in part and denies in part the contents of paragraph 363. WJ denies he was an operative of Osama Bin Laden. WJ admits he was designated an SDGT by the US Department of Treasury, although he denies the basis for his designation. WJ denies he is an associate of Osama bin Laden and a supporter of Al-Qaida terror. WJ does not possess sufficient information to admit or deny the rest of the allegations in paragraphs 363.
36. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 364 - 372.

RABITA TRUST

37. WJ affirms in part and denies in part the contents of paragraph 373. WJ admits Rabita Trust is a charitable organization that was founded in 1988. WJ does not possess sufficient information to admit or deny the rest of the allegations in paragraph 373.
38. WJ does not possess sufficient information to admit or deny the allegations in paragraph 374.
39. WJ affirms in part and denies in part the contents of paragraph 375. WJ admits he headed Rabita Trust, but denies he is a known al Qaeda member. WJ denies he is one of the founders of Al-qaida with bin Laden. WJ denies he is the logistics

chief of bin Laden's organization. WJ denies he fought on bin Laden's side in Afghanistan. WJ admits that the assets of the Rabita Trust were frozen by the US Department of Treasury. WJ does not possess sufficient information to admit or deny the rest of the allegations in paragraph 375.

40. WJ denies the allegations presented in paragraph 376 from unnamed and unknown sources. WJ denies he fought alongside Osama Bin Laden and championed his cause. WJ does not possess sufficient information to admit or deny the rest of the allegations in paragraph 376.

41. WJ denies the allegations in paragraph 377.

42. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 378 - 380.

AL RASHID TRUST

43. WJ does not possess sufficient information to admit or deny the allegations in paragraph 381.

THE MUSLIM BROTHERHOOD

44. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 382 - 392.

SAUDI BIN LADEN-GROUP

45. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 393 - 412.

AL-RAJHI BANK

46. WJ does not possess sufficient information to admit or deny the allegations in paragraph 413.

47. WJ affirms in part and denies in part the contents of paragraph 414. WJ denies he headed the Saudi Joint Relief Committee. WJ admits he was designated as a SDGT, however, WJ denies the basis for his designation. WJ does not possess sufficient information to admit or deny the rest of the allegations in paragraph 414.

48. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 415 - 422.

NATIONAL COMMERCIAL BANK AND BIN MAHFOUZ

49. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 423 - 434.

DAR AL MAAL AL ISLAMI

50. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 435 - 438.

51. WJ affirms in part and denies in part the contents of paragraph 439. WJ admits he has been designated as a SDGT by the US Department of Treasury, however, he denies the basis for the designation. WJ does not possess sufficient information to admit or deny the rest of the allegations in paragraph 439.

52. WJ affirms in part and denies in part the contents of paragraph 440. WJ denies he has close tied to Osama Bin Laden. WJ denies he is a financial supporter of terror. WJ does not possess sufficient information to admit or deny the rest of the allegations in paragraph 440.

AL BARAKA INVESTMENT AND DEVELOPMENT CORP.

53. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 445 - 462.

COUNT I

WRONGFUL DEATH BASED ON INTENTIONAL MURDER

54. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 463 - 467. The allegations in paragraphs 463 - 467 further constitute conclusions of law to which no response is required. To the extent a response is required, the allegations are denied as to WJ.

COUNT II

SURVIVAL DAMAGES BASED ON INTENTIONAL MURDER

55. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 468 - 471. The allegations in paragraphs 468 - 471 further constitute conclusions of law to which no response is required. To the extent a response is required, the allegations are denied as to WJ.

COUNT III

ASSAULT AND BATTERY

56. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 472 - 475. The allegations in paragraphs 472 - 475 further constitute conclusions of law to which no response is required. To the extent a response is required, the allegations are denied as to WJ.

COUNT IV

VIOLATION OF ANTI-TERRORIST ACT, 18 U.S.C. § 2333

57. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 476 – 479. The allegations in paragraphs 476 - 479 further constitute conclusions of law to which no response is required. To the extent a response is required, the allegations are denied as to WJ.

COUNT V

TORTURE VICTIM PROTECTION ACT

58. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 480 - 483. The allegations in paragraphs 480 - 483 further constitute conclusions of law to which no response is required. To the extent a response is required, the allegations are denied as to WJ.

COUNT VI

ANTI TERRORISM AND EFFECTIVE DEATH PENALTY ACT CLAIM, 28 U.S.C. § 1605(A)(7) – IRAQ, IRAN AND THE SUDAN

59. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 484 – 490. The allegations in paragraphs 484 – 490 further constitute conclusions of law to which no response is required. To the extent a response is required, the allegations are denied as to WJ.

COUNT VII

PUNITIVE DAMAGES

60. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 491 - 492. The allegations in paragraphs 491 - 492 further constitute

conclusions of law to which no response is required. To the extent a response is required, the allegations are denied as to WJ.

COUNT VIII

PROPERTY DAMAGES

61. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 493 - 495. The allegations in paragraphs 493 - 495 further constitute conclusions of law to which no response is required. To the extent a response is required, the allegations are denied as to WJ.

FIRST AFFIRMATIVE DEFENSE

(Failure to State a Claim)

Plaintiffs' claims fail to state a claim against WJ for which relief may be granted.

SECOND AFFIRMATIVE DEFENSE

(Causation)

There is no causal connection between any of WJ's activities and plaintiffs' injuries.

THIRD AFFIRMATIVE DEFENSE

(Causation)

No act or omission of any agent, servant, or employee of WJ proximately caused any harm or damages to plaintiffs.

FOURTH AFFIRMATIVE DEFENSE

(Other Tortfeasors)

Plaintiffs' damages and injuries were caused by other individuals or entities who are, or are not, named as parties to this action.

FIFTH AFFIRMATIVE DEFENSE

(Improper Venue)

This Court is not the proper venue for plaintiffs' claims against WJ.

SIXTH AFFIRMATIVE DEFENSE

(Subject Matter Jurisdiction)

This Court does not have subject matter jurisdiction over plaintiffs' claims against WJ.

SEVENTH AFFIRMATIVE DEFENSE

(Personal Jurisdiction)

This Court does not have personal jurisdiction over WJ.

EIGHTH AFFIRMATIVE DEFENSE

(Estoppel)

Plaintiffs are estopped from receiving the relief requested against WJ.

NINTH AFFIRMATIVE DEFENSE

(Statute of Limitations)

Plaintiffs' claims against WJ are barred, in whole or in part, by the applicable statute of limitations.

TENTH AFFIRMATIVE DEFENSE

(Punitive Damages)

Plaintiffs' claims for punitive damages against WJ are barred because WJ's activities, as alleged by plaintiffs, were not committed with intent, malice, willful and outrageous conduct aggravated by evil motive, or reckless indifference, and none of WJ's activities in any way were intended to, or did harm, the plaintiffs in this action.

ELEVENTH AFFIRMATIVE DEFENSE

(No Double Recovery)

Plaintiffs' claims for compensatory and punitive damages are barred to the extent that some plaintiffs are also seeking recovery against WJ, for the same or similar claims, in the civil actions comprising the multi-district entitled *In re Terrorist Attacks on September 11, 2001*, 03 MDL 1570 (RCC), pending in the United States District Court for the Southern District of New York.

TWELFTH AFFIRMATIVE DEFENSE

In response to plaintiffs' claims, WJ intends to invoke any other defenses, including, affirmative defenses, as they may become apparent through discovery, and reserve the right, in accordance with the Federal Rules of Civil Procedure and the Local Civil Rules of the United States District Court for the Southern District of New York, to assert such defenses.

THIRTEENTH AFFIRMATIVE DEFENSE

The Central Intelligence Agency, The Federal Bureau of Investigation, and other agencies of the United States government had information and resources at their disposal to prevent the September 11, 2001, attacks from occurring. But for their failure to utilize this information and these resources, WJ would not be a named defendant in this action because the September 11th tragedy would never have occurred.

WHEREFORE, WJ requests that the Plaintiffs' Sixth Amended Complaint be dismissed with prejudice as to WJ, and the Court award attorney's fees and costs to WJ in defending this case with no factual or legal basis against WJ, and award any other relief that the Court deems just under the circumstances.

Respectfully submitted,

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